

David J. Feldman, Esq.  
Nevada Bar No. 5947  
THE FELDMAN FIRM  
8845 W Flamingo, Rd., Ste., 110  
Las Vegas, Nevada 89147  
Telephone: (702) 949-5096  
Facsimile: (702) 949-5097  
dfeldman@feldmangraf.com  
*Attorneys for Defendant*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOAN CALHOUN,	)	Case No.:
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
AUTO CLUB GROUP INSURANCE	)	
COMPANY, a Michigan corporation	)	
	)	
Defendants.	)	

---

**PETITION FOR REMOVAL**

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEVADA:

PLEASE TAKE NOTICE that Defendant/Petitioner, Auto Club Group Insurance Company (hereinafter "Defendant"), and through their attorneys, The Feldman Firm, hereby removes the State action described herein to Federal Court. The grounds for removal are as follows:

1. On July 18, 2017, an action was commenced in the Eighth Judicial District Court, Clark County, Nevada, entitled "*Joan Calhoun vs. Auto Club Group Insurance Company, a Michigan Corporation*"; Case No. A-17-758544-C.
2. A copy of all process, pleadings and orders served upon Defendant Auto Club Group Insurance Company in the State Court action are attached hereto as **Exhibit 1**.
3. This Petition is filed timely pursuant to 28 U.S.C. §1446(b).
4. This action is a civil action of which this Court has diversity jurisdiction under the provisions of 28 U.S.C. §1332 and 28 U.S.C. §2201, and is one which may be removed to this

1 Court by Petitioner pursuant to the provisions of 28 U.S.C. §1441(b).

2 5. There is a diversity of citizenship between Plaintiff Joan Calhoun, and the insuring  
3 entity, Defendant Auto Club Group Insurance Company. Defendant is informed and believes that  
4 Plaintiff, Joan Calhoun was and still is a citizen of the State of Nevada. Defendant Auto Club  
5 Group Insurance Company was at the time of the filing of this action, and still is a corporation  
6 incorporated in the State of Michigan.

7 6. The matter in controversy exceeds \$75,000.00. Plaintiff seeks damages in an  
8 amount in excess of \$75,000.00 under the personal protection insurance benefits portion of the  
9 policy of insurance with Auto Club Group Insurance Company (See Complaint, p. 6, ¶ 33, attached  
10 hereto as **Exhibit 2**). Plaintiff seeks damages for Breach of the Covenant of Good Faith and Fair  
11 Dealing/Bad Faith as follows: punitive damages in excess of \$10,000.00, general damages in  
12 excess of \$10,000.00, and special damages in excess of \$10,000.00 (See Complaint, p. 6, ¶'s 33-  
13 34; p. 7, ¶ 35, attached hereto as **Exhibit 2**) ; Plaintiff seeks damages for Violation of the Nevada  
14 Unfair Trade Practices Act as follows: punitive damages in excess of \$10,000.00, general damages  
15 in excess of \$10,000.00, and special damages in excess of \$10,000.00 (See Complaint, p. 7-8, ¶'s  
16 42, 43, 44, attached hereto as **Exhibit 2**); Breach of Contract damages for personal protection  
17 insurance benefits for payment of future attendant care insurance benefits that are payable for a  
18 **lifetime**, which includes 24 hours per day, 7 days per week attendant care, in an amount in excess  
19 of \$10,000.00 (See Complaint, p. 3, ¶ 15). Plaintiff further seeks punitive damages in an amount  
20 in excess of \$10,000.00; general damages in an amount in excess of \$10,000.00; exemplary  
21 damages in excess of \$10,000.00; and prejudgment, pre-complaint and post judgment interest,  
22 attorneys's fees and costs (See Complaint, pp. 9-10, Prayer for Relief, enumerated item Nos. 1-7,  
23 attached hereto as **Exhibit 2**). When considered in the aggregate, the amount sought by Calhoun  
24 in the case at bar exceeds the \$75,000.00 jurisdictional limit at issue. Given those claims against  
25 this national insurance company, it is clear that Plaintiff is seeking damages in excess of  
26 \$75,000.00.

27 7. Defendant was served directly on August 10, 2017. (See **Exhibit 1**).

28 8. Pursuant to 28 U.S.C. §1446, a copy of this Petition for Removal is being filed with

1 the Clerk of the Eighth Judicial District Court, Clark County, Nevada, and is further served on all  
2 parties hereto.

3 9. Defendant Auto Club Group Insurance Company will also timely file a Notice of  
4 Removed Action in the Eighth Judicial District Court, Clark County, Nevada, a true and correct  
5 copy of which is attached as **Exhibit 3**, 28 U.S.C. § 1446(d).

6 **JURY DEMAND**

7 Defendant Auto Club Group Insurance Company demands a trial by jury on all issues  
8 appropriate for jury determination.

9 WHEREFORE, Defendant Auto Club Group Insurance Company hereby removes the State  
10 action now pending against it in the Eighth Judicial District Court, Clark County, Nevada, Case  
11 No. A-17-758544-C, to this Court.

12  
13 DATED this 30 day of August, 2017.

14 THE FELDMAN FIRM

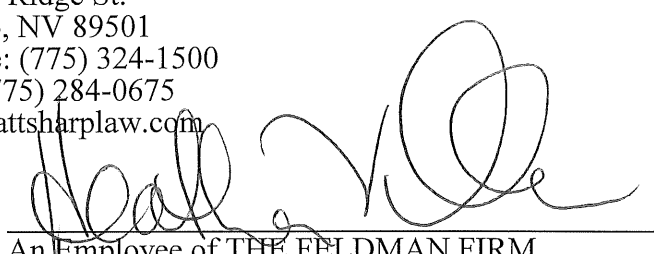
15  
16 By: \_\_\_\_\_

17 David J. Feldman, Esq.  
18 Nevada Bar No. 5947  
19 8845 West Flamingo Rd., Suite 210  
20 Las Vegas, Nevada 89147  
21 Telephone: (702) 949-5096  
22 Facsimile: (702) 949-5097  
23 dfeldman@feldmangraf.com  
24 *Attorneys for Defendant*  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 30 day of August, 2017, I mailed a true and correct copy of the foregoing **PETITION FOR REMOVAL** in a sealed envelope with postage fully prepaid addressed to the following:

Matthew L. Sharp, Esq.  
MATTHEW L. SHARP, LTD.  
432 Ridge St.  
Reno, NV 89501  
Telephone: (775) 324-1500  
Fax: (775) 284-0675  
matt@mattsharpplaw.com



An Employee of THE FELDMAN FIRM